

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

BOBBY L. SUTHERLAND

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:05CV199-P-A

**ROBINSON PROPERTY GROUP,
LIMITED PARTNERSHIP, A
MISSISSIPPI LIMITED PARTNERSHIP**

DEFENDANT

ORDER

This cause is before the Court on the defendant's Motion to Dismiss [23]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The defendant seeks dismissal based on plaintiff's failure to comply with the Court's May 18, 2006 Order requiring that plaintiff obtain substitute counsel or notify the Court of his intent to proceed pro se no later than June 18, 2006. As additional grounds for the motion, defendant cites plaintiff's failure to appear for his scheduled deposition on May 19, 2006 and his failure to comply with certain case management deadlines.

In response to the motion, plaintiff submitted an e-mail in which he avers that he was unaware of the deadline for obtaining new counsel or of the effect that the withdrawal of his prior counsel would have on the case. He requests additional time to obtain an attorney. The Court finds the plaintiff's explanation adequate to refute the grounds raised by the defendant's motion. As a further matter, the Court finds Sutherland's request for more time to retain counsel well-taken.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the defendant's Motion to Dismiss [23] is not well-taken and should be, and hereby is, DENIED. IT IS FURTHER ORDERED that the plaintiff is to hereby granted thirty (30) days from the entry of this order to obtain substitute counsel

or to notify this Court of his intent to proceed pro se in this matter.

SO ORDERED, this the 19th day of July, 2006.

/s/ W. Allen Pepper, Jr._____

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE